

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-22 are pending. Claims 1 and 10 are amended, and claims 18-22 are added. Claims 1, 10, 13, and 15 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 13-17 are allowed.

The Applicants thank the Examiner for the early indication of allowable subject matter in this application.

As noted above, each of independent claims 1 and 10 has been amended to include subject matter not taught or suggested by the combination of elements disclosed in the cited references.

Therefore, independent claims 1 and 10 are in condition for allowance.

Drawing

It is gratefully appreciated that the Examiner has accepted the drawings.

Claim for Priority

It is gratefully appreciated that the Examiner has acknowledged the Applicants' claim for foreign priority.

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed March 4, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Amendments to the Specification

The specification has been amended merely to correct a typographical error on page 13.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3-6, 9, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Wagenen et al. (U.S. 3,823,557) in view of Kimura et al. (U.S. 5,562,425);

claims 2, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Wagenen et al. in view of Kimura et al., and further in view of Payne (U.S. 2,378,095); and

claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Wagenen et al. in view of Kimura et al., and further in view of Eckerle (U.S. 3,312,476).

These rejections are respectfully traversed.

Amendments to Independent Claims 1 and 10

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, each of independent claims 1 and 10 has

been amended herein to recite a combination of elements directed to a rotating fluid machine, including *inter alia*

- (1) "said fixed side valve plate is floatingly supported on the valve body portion non-rotatably but relatively movably with respect to the valve body portion within an axial limited range"
- (2) "a pressure chamber into which the high-pressure working medium is introduced is opened to mating surfaces between the valve body portion and the fixed side valve plate".

Support for the novel subject matter above can be seen in the application as originally filed, for example in FIG. 5.

The Applicants respectfully submit that the combination of elements included in each of independent claims 1 and 10 is not disclosed in the references cited by the Examiner, including Van Wagenen et al. and Kimura et al.

Regarding the above feature (1), Van Wagenen et al. teach at column 10, lines 13-15 that the head 22, plates 14' and 20', and ring 18' are preferably secured together by bolts 88. In the Office Action, the Examiner refers to member 14' of Van Wagenen et al. as the fixed side valve plate 14'. This teaching is contrary to the "floating support" of such member 14'. More specifically, the member 14' of the citation is not "supported... relatively movably with respect to the valve body portion within an axial limited range".

In connection with the feature (2), the Examiner relies on another reference, Kimura et al. as showing the portion corresponding to the claimed "pressure chamber". However, the chamber 20 of Kimura et al. called by the Examiner as "pressure chamber" is a

clearance formed between the casing 3 as a stationary structure and the rotary valve 21. Column 4, lines 51-52 of Kimura et al. teach that the rotary valve 21 is rotatably retained in the valve chamber 20. From this teaching, the Applicants consider that this rotary valve 21 should be deemed as corresponding to the movable side valve plate of the invention at most and not to the claimed fixed side valve plate which is non-rotatable. As specified above, the pressure chamber according to the present invention is opened to mating surfaces between the rotary valve body portion and the fixed side valve plate. The Examiner's rejection relying on Kimura et al. is thus unfounded with respect to amended claims 1 and 10.

The other two references fail to teach or suggest anything that may be relevant to the present invention.

At least for the reasons above, the Applicants respectfully submit that the combination of elements included in each of independent claims 1 and 10 is not disclosed or made obvious in the references cited by the Examiner, including Van Wagenen et al. and Kimura et al.

Therefore, independent claims 1 and 10 are in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 18-22 have been added to set forth additional novel features of the invention.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

*Application No.: 10/791,739
Amendment dated July 5, 2007
Reply to Office Action of April 5, 2007*

*Docket No.: . 2830-0155P
Art Unit: 3747
Page 15 of 16*

Claims 1-12 and 18-22 are now in condition for allowance. Claims 13-17 have been allowed by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

This application is ready for issue.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

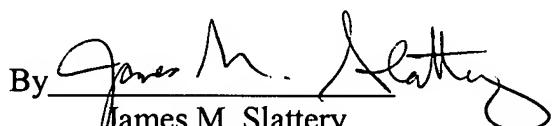
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Date: July 5, 2007

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT:ktp 